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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,281	07/31/2003	David R. Schaer	22330-RA	3768
30184	7590	02/09/2005	EXAMINER	
MYERS & KAPLAN, INTELLECTUAL PROPERTY LAW, L.L.C. 1899 POWERS FERRY ROAD SUITE 310 ATLANTA, GA 30339			CEGIELNIK, URSZULA M	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/631,281

Applicant(s)

SCHAER, DAVID R.

Examiner

Urszula M Cegielnik

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-11,13-17 and 19-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-11,13-17 and 19-27 is/are rejected.
- 7) ☒ Claim(s) 6 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 10, 11, 13, 14, 16, 17, 24, and 25 are rejected under 35

U.S.C. 102(b) as being anticipated by Casillo et al.

Casillo et al. disclose a compact disc (230); and a spinning head (311) comprising means for engaging (320) a compact disc (230) at an axially concentric position, the spinning head (310) further comprising a base (340) for frictionally engaging a planar surface (630), the means for engaging (320) the compact disc (230) at an axially concentric position is a hub (see The Figure); the base (340) of the spinning head (311) comprises a shallow conical shape (340); the spinning head (311) comprises a shaft (310) for spinning the spinning head (311).

Claims 1, 5, 7-9, 11, 15, 16, 19, 21-23, and 25-27 are rejected under 35

U.S.C. 102(e) as being anticipated by Hendron.

Hendron discloses the steps of obtaining a spinning head (31) comprising means (9,10) for engaging a compact disc (*paragraph 0030, lines 1-3; paragraph 0032, lines 1-*

4) at an axially concentric position (see *Figure 1*), the spinning head (31) further comprising a base (6) for frictionally engaging a planar surface; wherein the means for engaging the compact disc at an axially concentric position is a hub (9,10); engaging the compact disc with the means for engaging (9,10); and spinning the spinning head with the compact disc (2) engaged therewith; an annular groove (9) formed therearound (*i.e. hub 10*) for functioning as a relief to facilitate flush and secure seating of the compact disc over an upper surface of the spinning head (31) when the compact disc (2) is engaged with the hub (9,10) (*paragraph 0032, lines 19-22*); the hub is dimensioned, and downwardly tapered to a larger diameter (see *Figure 3, the drawing on the right*), the means for engaging the compact disc at an axially concentric position is an o-ring (*paragraph 0032, line 11*); the means for engaging the compact disc at an axially concentric position comprises an adhesive being a resin (*e.g. rubber*) or glue (*paragraph 0032, lines 27-30*); spinning head (31) comprising a hub (9,10) dimensioned to frictionally engage a compact disc at an axially concentric position (see *Figure 1*), wherein the compact disc being promotional CDs (*paragraph 0018, lines 4-5*) or blank CDs (*paragraph 0002, line 16*) and wherein the spinning head further comprises a base (6) for frictionally engaging a planar surface; the steps of supplying a consumer with a spinning head adapted to retain a compact disc in an axially concentric position therewith, wherein the spinning head further comprises a base (6) for frictionally engaging a planar surface, and wherein the compact disc comprises promotional material thereon (*paragraph 0018, lines 4-5*); the step of distributing the spinning head in combination with the compact disc (*paragraph 0002, lines 15-18*).

Allowable Subject Matter

Claims 6 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

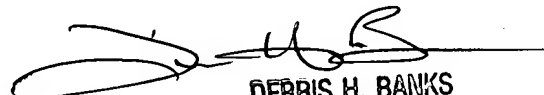
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Urszula M. Cegielnik whose telephone number is 571-272-4420. The examiner can normally be reached on Monday through Friday, from 5:45AM - 2:15PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H. Banks can be reached on 571-272-4419.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 for both regular and After Final communications.

Urszula M. Cegielnik
Assistant Examiner
Art Unit 3714


DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700